

NOTICE OF DECISION
Development Services Department

Project Name:	T-Mobile Wireless Facility Substantial Conformance
Request:	Substantial Conformance to Planning Commission Resolution No. 2010-09 (Case No. 09-177 MUP/CDP) dated May 6, 2010, to allow modifications to an existing wireless telecommunications facility and existing ground-level equipment enclosure.
Discretionary Action:	Substantial Conformance (SUBC)
CEQA Determination:	Exempt
DECISION:	APPROVED
Project Number:	SUBC-005946-2023
DSD Number:	2023-29
Location:	828 North Coast Highway 101 (CL-AN)
Community:	Leucadia
APN:	256-014-11-00
Applicant:	Smartlink Group on behalf of T-Mobile
Representative:	Vincent Voss, Real Estate Project Manager
Project Planner:	Sara Cadona, Assistant Planner, scadona@encinitasca.gov
Decision Date:	May 11, 2023
Report Approval:	<input checked="" type="checkbox"/> Katie Innes, Planning Manager <input checked="" type="checkbox"/> J. Dichoso, AICP, Senior Planner

This document is to certify that the proposed minor modifications to an existing wireless telecommunication facility, have been determined to be in substantial conformance with Planning Commission Resolution No. 2010-09, which included the approval of a Major Use Permit and Coastal Development Permit to construct and operate a building-mounted wireless telecommunication facility at the property located at 828 North Coast Highway 101.

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BACKGROUND:

On May 6, 2010, Planning Commission Resolution No. PC-10-09 (Case No. 09-177 MUP/CDP) approved a Major Use Permit and Coastal Development Permit to authorize the co-location of a new wireless telecommunications facility. The antennas are mounted behind two decorative roof parapet walls on an existing commercial center roof located at the subject property. A ground-level equipment enclosure, which supports the wireless facility, is located behind the commercial building next to the rear alley. There is no history of a building permit submitted for the original discretionary action.

On January 10, 2013, the City's Community Development Director approved a substantial conformance (SUBC) request (Case No.12-155 SUBC) for the replacement of six existing 42-inch antennas with six new 56-inch antennas at the same locations that the existing antennas are currently placed. Building Permit No. 13-149 dated April 2, 2013, authorized the replacement antennas pursuant to the substantial conformance determination. Of the six antennas that were permitted, only three were installed.

PROJECT SUMMARY/ANALYSIS:

The project proposes to modify the existing wireless facility antennas, which are mounted within two cupola structures on the rooftop of the existing building, and associated equipment located within an equipment enclosure. The project scope for the SUBC is summarized below and shown on Sheet C-3 (Antenna Plan).

- Replace existing fiber reinforced plastic (FRP) screens with new FRP enclosure screens (built to the same dimensions as existing) and painted to match the existing building.
- Remove the existing three antennas installed in 2013 (pursuant to the SUBC approval above) and install six new antennas per the original entitlement approved in 2010.
- Northeast Cupola: One antenna occupies Sector A facing north. One antenna occupies Sector B facing east. Leaving two vacancies within this cupola: one Sector A and one Sector B.
- Southeast Cupola: One antenna occupies Sector C facing south and two antennas occupy Sector A facing south. Leaving one vacancy at the Sector C.

The full list of equipment and accessory equipment changes are listed in the project plans.

All accessory equipment modifications are to be entirely within the new cupola tower elements and existing ground-level equipment room. No additional noise output is proposed and all new equipment will be fully concealed from public view.

A radio frequency-electromagnetic energy report was prepared by MobileComm Professionals INC., dated October 12, 2022. This report states that all proposed wireless facility modifications are compliant with FCC regulations as this facility is located within the cupola tower and equipment room. The cupolas are located on the roof providing restricted access, which limits the potential of exposure, but if an individual were to try to access the roof there will be FCC compliant signage on the interior facing walls of the cupola. Telecom Law Firm PC, (the City's Third-Party RF Engineer), concluded that the proposed substantial changes are in conformance with Section

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6409 (a), as there were no increases to height, width, new equipment cabinets, new excavation, changes to concealment elements and permit compliance.

FINDINGS:

This determination is based on the following findings for Substantial Conformance with a Major Use Permit:

1. No project condition is changed or deleted;

The proposed modifications to the existing wireless telecommunications facility do not affect the conditions of approval of Planning Commission Resolution No. PC-10-09 (Case No. 09-177 MUP/CDP) dated May 6, 2010, which will remain in effect for this project.

2. No feature, facility, or amenity is deleted or substantially altered which had been considered essential to the project's quality, safety, or function by the decision making body;

The project proposes to remove and replace the two cupola structures. The applicant is maintaining the same size, height, and color of the existing cupolas. The overall integrity, safety, and function of the wireless communications facility will remain in generally the same location. With the antenna/equipment modifications, the antenna arrays will continue to remain within the cupolas, and the associated accessory equipment will remain within the existing equipment enclosure.

The wireless communications facility, with the proposed modifications, will operate in full compliance with the standards for Radio Frequency (RF) Emissions, as adopted by the Federal Communications Commission (FCC). The wireless telecommunications facility will adhere to the site compliance recommendations outlined in the RF report prepared by the applicant. Furthermore, Telecom Law Firm PC, (the City's Third-Party RF Engineer), has reviewed the analysis contained in the applicant's Radio Frequency Emission Study and concurred with the findings. The study includes information related to the facility's power, antenna height, and other elements, and has confirmed that all recommended radio frequency emissions mitigation measures are followed, and that the proposed changes at the existing telecommunications facility demonstrate planned compliance with the FCC Rules for the proposed site design.

All signage shall in be in compliance with ANSI Z535.1, ANSI Z535.2, and ANSI C95.2 for color, symbol, and content conventions. Additionally, all signage shall provide a working local or toll-free telephone number to its network operations center, that reaches a live person who can exert transmitter power-down control over this site, as required by the FCC.

Based on the discussion above, the Development Services Department finds that there are no significant changes that warrant a modification to the original permit.

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3. No additional lots or dwelling units are added;

No additional lots or dwelling units are proposed to be added to the project.

4. No private or public open space is reduced in area or in its potential for use and enjoyment;

The proposed project is limited to minor modifications to an existing wireless telecommunications facility mounted inside cupola roof elements, and work in the existing equipment enclosure. Therefore, no public or private open space will be impacted as a result of this project.

5. The shape and bulk of structures, exterior building materials, landscaping, parking, and access are substantially in conformance with the spirit and intent of the Use Permit decision;

The project maintains the same design appearance, whereby the spirit and intent of the original approval Planning Commission Resolution No. PC-10-09 (Case No. 09-177 MUP/CDP) dated May 6, 2010, are maintained. There is no change to the existing shape, bulk and height of the rooftop cupolas. As part of the project scope, the existing FRP enclosures will be removed and constructed back to the same dimensions, colors, materials as their current condition.

6. The grading plan will not increase or decrease the final grade on any part of the site by more than three feet over or under the plan approved by the Use Permit decision, unless the Development Services Department finds that the project is substantially altered by the grading change; and

No grading is proposed within the scope of work.

7. No significant changes are made which, in the opinion of the Development Services Department should be reviewed by the body which approved the original application.

Based on the discussion above, the Development Services Department finds that there are no significant changes that would require submittal of a discretionary permit modification.

Environmental Status: This project is categorically exempt from the California Environmental Quality Act (CEQA) guidelines pursuant to Section 15301 which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alterations of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The project involves minor modifications to an existing wireless telecommunication facility and meets this exemption. The proposed improvements do not result in any new impacts not previously reviewed by the prior approval; Planning Commission Resolution No. PC-10-09 (Case No. 09-177 MUP/CDP) dated May 6, 2010.

This determination shall be valid 15 calendar days from the date of this determination, during which time any aggrieved person may, upon payment of necessary fees, file an appeal. Additional permits, including Building Permits, may be required by the Building Department or other City

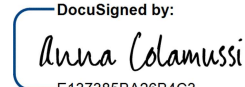
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Departments. It is the applicant's responsibility to obtain all necessary permits required for the type of project proposed. The applicant may proceed through the plan check process during the appeal period at his/her own risk; **plan check fees are non-refundable.** Any filing of an appeal will suspend this action as well as any processing of permits in reliance thereon in accordance with Encinitas Municipal Code Section 1.12.020(D)(1) until such time as an action is taken on the appeal.

Any questions should be directed to Sara Cadona, Assistant Planner, at (760)-633-2697 or via email at scadona@encinitasca.gov, or the Development Services Department at 505 South Vulcan Avenue, Encinitas, CA 92024, (760) 633-2697.

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Anna Colamussi on behalf of Katie Innes
Planning Manager